

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Allentown Division

KENNEDY,
Plaintiff.

v.

Civil No. 5-18-cv-00214

EQUIFAX, Inc., et al.,
Defendants.

PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

Notice

Executive Order Declares National Emergency

In December of 2017, President Trump issues an Executive Order titled Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption.

The President in this order declares a national emergency, and declares the following: "Therefore I determine that serious human rights abuse and corruption around the world constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and I hereby declare a national emergency to deal with that threat."

Notice

- a. Executive Order 13825 concerning 2018 Amendments to the Manual for Courts-Martial, United States (March 1, 2018) effective January 1, 2019.
- b. Executive Order 13772 on Core Principles for Regulating the United States Financial System (February 3, 2017).
- c. Executive Order 13773—on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (February 9, 2017).

d. Executive Order 13800—on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure (May 11, 2017).

e. Executive Order 13818—Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption (December 20, 2017).

f. Federal Rules of Evidence, especially Rule 902. Evidence That Is Self-Authenticating.¹

g. Plaintiff Kennedy accepts the oath of office of the Judge and binds him to it and notices this court of record concerning the national emergency, the rule of law and military law, effective January 1, 2019, under the authority of Executive Order 13825, signed by President Donald J. Trump stated herein.

Facts

1. Plaintiff is Edward T. Kennedy (Kennedy), one of the people of Pennsylvania, in this court of record, Motions the Court and demands a Partial Summary Judgment against Defendant Equifax, Inc (Equifax). Plaintiff demands and wishes the court of record to render a Partial Summary Judgment against defendant Equifax, Inc., as authorized by Exhibit 1, Law of the Case, including Federal Rule of Civil Procedure 56.

2. Kennedy sues Equifax in a multi-count cause of action under common law Torts and The Racketeer Influenced and Corrupt Organizations Act commonly referred to as RICO Act or simply RICO, a US federal law that provides for extended criminal penalties and a civil cause of action for injuries for acts performed as part of an ongoing criminal organization²

¹ https://www.law.cornell.edu/rules/fre/rule_902#

² 18 U.S. Code § 1961 - Elements of Racketeering et seq.

Racketeering encompass a wide range of criminal activities that are directed towards generating a profit. The actual income-generating activities may constitute a criminal offense. Equifax, Inc., an organized criminal enterprise, and a transnational criminal organization, pursued financial fraud evidenced herein from the official public record, Said activity may also expose Equifax to prosecution under the federal mail and wire fraud statutes,

including RICO violations by Equifax that includes the following: COUNT II Acquisition and Maintenance of an Interest in and Control of an Enterprise Engaged in a Pattern of Racketeering Activity: 18 U.S.C. §§ 1961(5), 1962(b), COUNT III Conduct and Participation in a RICO Enterprise through a Pattern of Racketeering Activity: 18 U.S.C. §§ 1961(5), 1962(c), COUNT IV Conspiracy to Engage in a Pattern of Racketeering Activity: 18 U.S.C. §§ 1961(5), 1962(d), COUNT VI RICO (18 U.S.C. § 1962(C)), COUNT IX RICO CONSPIRACY (18 U.S.C. § 1962(D)), plus COUNT XIII THE PRIVACY ACT (5 U.S.C. § 552a) and COUNT XV DEPRIVATION OF RIGHTS UNDER COLOR OF LAW (18 U.S. Code § 242) and COUNT XVI INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (VIRGINIA COMMON LAW).

Injury to Kennedy

3. Plaintiff Kennedy files this Motion for Summary Judgment on his common-law Tort and RICO claims. Summary Judgment, in this case, can be granted because the summary-judgment evidence establishes all elements of plaintiff's claims listed herein:

- a. as a matter of law,³
- b. Executive Orders listed hereinabove,

and now in this state of emergency, military law. Efforts by Equifax and Smith to conceal the criminal nature of these activities may also constitute criminal offenses.

³ It is well-settled that "the provisions of RICO shall be liberally construed to effectuate its remedial purposes."

U.S. v. Eisenberg
773 F. Supp. 662 (D.N.J. 1991)

c. the fact that Equifax, Inc. and Equifax CEO Smith used alternative metrics to avoid generally accepted accounting principles (GAAP)

d. it is a financial fraud crime to lie or misconstrue information to the government in form 10-k filings at the sec.gov website under RICO and the agency law of the Securities and Exchange Commission, and Smith lied, misstated and misconstrued 10-k filings and

e. Human Rights Abuse and Corruption by Equifax against Kennedy.

4. In 1913, The United States was conquered by secrecy and stealth by an international criminal enterprise that includes British Banks and the Federal Reserve System by controlling the nation's banks and money. This violates US law, Human Rights and the US Constitution at Article I, Section 8.⁴ A national emergency now exists nationwide.

Equifax Duty Not to Injure Kennedy

5. Defendant Equifax, Inc. is a criminal enterprise, and is an agent for the said criminal enterprise. Equifax has a duty not to injure Kennedy.⁵

Breach of Duty

6. Kennedy presents uncontroverted facts and evidence that entitle plaintiff Kennedy to Judgment as a matter of law, which includes the Executive Orders listed herein, and US

⁴ Trump says: 'The only problem our economy has is the Fed', link here:

<https://www.reuters.com/article/us-usa-trump-fed/trump-says-the-only-problem-our-economy-has-is-the-fed-idUSKCN1ON0WX> and

Trump compares Federal Reserve to golfer that can't putt as market extends slide, link here:

<https://thehill.com/homenews/administration/422743-trump-compares-federal-reserve-to-golfer-that-cant-putt-as-market>

⁵ See also link here: <https://twitter.com/realDonaldTrump/status/1077231267559755776>, quote,

The only problem our economy has is the Fed. They don't have a feel for the Market, they don't understand necessary Trade Wars or Strong Dollars or even Democrat Shutdowns over Borders. The Fed is like a powerful golfer who can't score because he has no touch - he can't putt! Defendant Equifax, Inc., is an agent of the Federal Reserve System, a private corporation that is not government.

military law, that proves breach of duty.

7. Statement of the case is that the Equifax, Inc (Equifax) business strategy is to profit from a criminal enterprise business model that rewards its intended failure to protect Plaintiff Kennedy's property, data and information in order to profits from the sale of data protection insurance ⁶ to Plaintiff Kennedy through the financial fraud, use of alternative financial metrics to avoid GAAP reality. Said acts violate the RICO law and RICO statutes,⁷ human rights. and is simply corrupt.

8. Equifax injures Kennedy when Equifax violates the RICO laws and said violations. Said injures damages Kennedy and injures Kennedy in loss of employment, housing, economic and human rights and his property and privacy rights, valued at \$500,000.

9. Defendant Equifax is (probably) owned historically by the Lewis Cass Trust Company, Inc. through nominee directors and nominee shareholders through interlocking directorships and/or Springs Company, and/or the British crown through traitors to the nation.

⁶ The General Accounting Office's Equifax report said that Equifax left Kennedy's (private data) vulnerable on several fronts. According to the GAO, "Equifax determined that several major factors had facilitated the attackers' ability to successfully gain access to its network and extract information from databases containing [personally identifiable information]" and that "key factors that led to the breach were in the areas of identification, detection, segmentation, and data governance." In addition, according to this GAO report on Equifax, the lack of restrictions at Equifax on the frequency of database queries allowed the attackers to execute approximately 9,000 such queries without detection by Equifax or its internal or external auditors—many more than would be needed for normal operations. Link here: <https://www.marketwatch.com/story/gaos-equifax-report-company-left-private-data-vulnerable-on-several-fronts-2018-09-07> and <https://www.marketwatch.com/story/gaos-equifax-report-company-left-private-data-vulnerable-on-several-fronts-2018-09-07>

⁷ Also includes the globalist business model.

10. The said trust and/or Springs Company is presumed to be administered by Crandall Close Bowles, c/o Federal Reserve Building, 530 E Trade St, Charlotte, NC 28202. Ms. Bowles graduated from Wellesley College.⁸ [Disclosure: Plaintiff Kennedy's ex-wife, Gail Jane is a graduate of Wellesley College].⁹

Facts Not in Dispute

11. Equifax does dispute the fact(s) that Equifax fails its duty to protect Kennedy's private data, evidenced by Kennedy's trusted ID email from Equifax, listed here:¹⁰

12. Modern attorneys representing Equifax, Inc. are King & Spalding (KS), lawyers Robert Hays¹¹ and Misty Peterson¹² dishonor Kennedy's offer to settle his complaint at dated November 26, 2018, on December 5, 2018.¹³

13. Kennedy does not believe in the single bullet theory lies relative to the

⁸ <https://www.jpmorganchase.com/corporate/About-JPMC/ab-board-bio-crandallcbowles.htm>

⁹ Notice: FRE hearsay exceptions.

¹⁰ <https://mail.google.com/mail/u/1/#search/trusted+id/FMfcgxvzMBmqzBxnwMTZSgWlnQFmQKMQ>

¹¹ <https://www.kslaw.com/people/Robert-Hays>

¹² <https://www.kslaw.com/people/misty-peterson>

¹³ Maxims of law and High Principles:

HONOR & DISHONOR

This is the most important aspect of the law.

In law, "Honor" or "Dishonor" is a process.

It is what is done in response to a presentment.

To act with dishonor toward the other person is the highest sin in any system of law.

High Principles

"In ancient times, honor was the manner of being that we now describe as having integrity. In plain language, an honorable person avoids deception whenever possible, treats others with respect and sticks to her beliefs no matter how others think or act." ~Carla Joy

"Personal integrity; allegiance to moral principles." wordia.com

"The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy." ~Martin Luther King, Jr.

"The difference between a moral man and a man of honor is that the latter regrets a discreditable act, even when it has worked and he has not been caught." ~H. L. Mencken

assassination of John Fitzgerald Kennedy in Dallas, Texas on November 22, 1963. Kennedy also does not believe the Smith and Equifax single bullet theory testimony (lies) under oath concerning a single bullet styled, data theft explanation of Kennedy's data, for it is technically impossible and lacks common sense.

14. Beginning in 2005 to the present, Defendant Equifax, Inc. and Smith misstate, misinform and file fake financial records on government websites, supported by self-authenticating digital evidence, link here:¹⁴

More Injury to Kennedy Caused by Equifax

15. Kennedy is injured and victimized by Equifax data loss, Identity Theft and by the Internal Revenue Service (IRS), evidenced by Affidavit on the official public record by Kennedy's Identity Theft report FTC Report Number 87118409 from October 2017.

16. Equifax sells Kennedy's data without Kennedy's specific consent.

Demand

17. Summary judgment is proper in a case where there is no genuine issue of material fact.

¹⁴ 6 FRESH HORRORS FROM THE EQUIFAX CEO'S CONGRESSIONAL HEARING, link here: <https://www.wired.com/story/equifax-ceo-congress-testimony/>,

1. The timeline of when executives knew what about the breach is both disheartening and suspect
2. Equifax's patching process was wholly inadequate.
3. Equifax stored sensitive consumer information in plain text rather than encrypt it.
4. The recently resigned Equifax CEO only mandated security reviews every quarter.
5. Equifax won't comment on, or rule out, nation-state attackers.
6. Equifax made its breach notification site a separate domain because its main site wasn't up to the task.

18. A plaintiff moving for summary judgment satisfies its burden by submitting summary-judgment proof that establishes all elements of its claim as a matter of law.

19. The plaintiff must show that no reasonable trier of fact could find other than for plaintiff. See *Calderone v. the United States*, 799 F.2d 254,259 (6th Cir. 1986).

20. Because there are no genuine issues of material fact on any element of RICO and intentional infliction of emotional distress, the plaintiff is entitled to summary judgment as a matter of law.

21. Kennedy says that the conventional wisdom in Silicon Valley is that Equifax failed to use world-class standards of data encryption. to protect data, notably Kennedy's data.

22. Without Kennedy's consent, Kennedy's data is allowed by Equifax to be taken in order to persuade Kennedy and others to purchase data protection insurance from Equifax.

23. Kennedy says that hearsay evidence from Silicon Valley and the internet is that the exchange of data to customer IRS to this very day fails to use world-class standards of data encryption to protect data, especially Kennedy's data.

More Facts via Self-authenticating evidence

24. Kennedy now provides additional self-authenticating evidence from Richard F. Smith, (now retired) Equifax, Inc. Chief Executive Officer from 2005 to 2017 under Federal Rules of Evidence (FRE), Rule 902.¹⁵

¹⁵ This pattern of illegal activities committed by Defendant Equifax and CEO Smith, the “Predicate Acts,” were done with the purpose of financial gain and were done within the past ten (10) years and continuing.

25. Defendant Equifax, Inc. (Equifax) is a criminal enterprise as defined by US law for Richard F. Smith (Smith), Chief Executive Officer, commits financial fraud and “abuses pro forma earnings figures” now known as non-GAAP metrics evidenced by Income Statements, Consolidated Statements of Cash Flows and Acquisitions in Equifax annual form 10-K filings at sec.gov 10k signed and certified under penalty of perjury¹⁶ by Smith from 2005 to 2017.¹⁷

¹⁶ For example from the official US government website:

EX-31.1 5 a06-1873_1ex31d1.htm RULE 13A-14(A) CERTIFICATION OF CHIEF EXECUTIVE OFFICER
EXHIBIT 31.1

CERTIFICATIONS

I, Richard F. Smith, certify that:

1. I have reviewed this annual report on Form 10-K of Equifax Inc.;
2. Based on my knowledge, this report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this report;
3. Based on my knowledge, the financial statements, and other financial information included in this report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this report;
4. The registrant’s other certifying officer(s) and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) and internal control over financial reporting (as defined in Exchange Act Rules 13a-15(f) and 15(d)-15(f)) for the registrant and have:
 - a) Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared;
 - b) Designed such internal control over financial reporting, or caused such internal control over financial reporting to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with generally accepted accounting principles;

26. See also multiple press earnings releases from Equifax such as the following press

-
- c) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure controls and procedures, as of the end of the period covered by this report based on such evaluation; and
 - d) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter (the registrant's fourth fiscal quarter in the case of an annual report) that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and
5. The registrant's other certifying officer(s) and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors (or persons performing the equivalent functions):
- a) All significant deficiencies and material weaknesses in the design or operation of internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and
 - b) Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting.

Date: March 2, 2006

/s/ RICHARD F. SMITH

Richard F. Smith

Chairman and Chief Executive Officer

¹⁷ The most important report is the Form 10-K for it provides a company's financials, audited by an approved accountancy firm EY, an international organization.

Item 6. Selected Financial Data

This is where you get into the meat of the numbers. This is also audited financial data, meaning that a registered independent accountancy firm has reviewed the company's financial reports. While this isn't a promise of perfection, there have been a number of laws enacted during the past decade that have added some serious teeth. For executives who sign off on these reports, primarily the CEO and CFO, the legal consequences are up to and including jail time for misleading, inaccurate, or intentionally falsifying these filings.

Item 7. Management's Discussion and Analysis of Financial Condition and Results of Operations

If Item 1 is where management describes what the business is supposed to be, then Item 7 is where they describe what the actual results are. There will usually be some key points of data highlighted, so it's important to review these things, looking for the bigger picture trends. It's also important to not take on complete faith that these selected points are the only thing that matter.

Analyzing a company's sales results, operations expenses, and its financial condition is as much about looking for what could go wrong as it is about what should go right. Identifying things like a weakening cash position, shrinking gross margin, or rising operations costs without appropriate sales growth, are the kinds of things that you can identify in this segment of the 10-K

release from 2016 said the following: Non-GAAP Financial Measures. This earnings release presents adjusted EPS attributable to Equifax which (to the extent noted above for different periods) excludes acquisition-related amortization expense, net of tax, acquisition-specific transaction and due diligence expense, as well as integration expense in the first twelve months following the closure of the acquisition, an accrual for certain legal claims, realignment of internal resources, income from the settlement of escrow amounts, impairment of our Boa Vista Services ("BVS") investment, state income tax benefit, and the adjustment of redeemable the noncontrolling interest that reflects a redemption value in excess of fair value.

This earnings release also presents adjusted EBITDA and adjusted EBITDA margin, which is defined as consolidated net income attributable to Equifax plus net interest expense, income taxes, depreciation and amortization, and also excludes certain one-time items. These are important financial measures for Equifax but are not financial measures as defined by GAAP. (Source: Equifax press release).

27. Beginning in 2017, adjusted EPS attributable to Equifax exclude the income tax effects of stock awards that are recognized upon vesting or settlement. (Source: Equifax press release).

28. These non-GAAP financial measures should be reviewed in conjunction with the relevant GAAP financial measures and are not presented as an alternative measure of net income or EPS as determined in accordance with GAAP. (Source: Equifax press release).

29. Equifax said Reconciliations of these non-GAAP financial measures to the most directly comparable GAAP financial measures and related notes are presented in the Q&A. This information can also be found under "Investor Relations/GAAP/Non-GAAP Measures" on our the website at www.equifax.com.¹⁸ (Source: Equifax press release).

30. Such alternatives non-GAAP metrics are both financial deception and financial fraud for they do not tell the full story, and is prima facie evidence that Equifax is a criminal enterprise.

31. Smith's fake financial reporting to the government violates RICO law and RICO statutes that support Kennedy injuries as stated herein.

EQUIFAX IS A RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.¹⁹

32. The Sarbanes-Oxley Act²⁰ requires Equifax and Smith to tell the truth and not

¹⁸ <https://investor.equifax.com/news-and-events/news/2017/02-08-2017>

¹⁹ <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-96>

See UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-K

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended December 31, 2017

EQUIFAX INC.

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
December 31, 2017

<https://www.sec.gov/Archives/edgar/data/33185/000003318518000011/efx10k20171231.htm>

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended December 31, 2016

<https://www.sec.gov/Archives/edgar/data/33185/000003318517000008/efx10k20161231.htm>

²⁰ <https://www.govinfo.gov/content/pkg/BILLS-107hr3763enr/pdf/BILLS-107hr3763enr.pdf>

play games with words and numbers and not put fake documents into the public record.

33. Based on the foregoing relevant financial facts, Equifax and Smith intended to injure Kennedy by violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder evidenced by knowingly or recklessly issuing the Earnings Press Release with Intentional manipulation and willful delusions so that they could sell Kennedy fear to motivate him to purchase data protection insurance from Equifax.

34. The application of Generally Accepted Accounting Principles is intended to produce financial information that is:

- Relevant, representationally faithful, and reflective of the economics of the business
- Comparable across companies, industries and geographies with other organizations
- Standard and consistently applied so that they are verifiable and auditable by a third party
- Understood by regulators, investors, creditors, taxpayers, and other stakeholders²¹

35. The Sarbanes-Oxley Act of 2002 mandated the Government (SEC) to adopt rules to address public companies' disclosure or release of certain financial information calculated and presented on the basis of methodologies other than in accordance with generally accepted accounting principles or GAAP. Regulation G was effective for all disclosures as of March 28, 2003.

²¹ Source; Forensic Accountant Francine McKenna at file:///C:/Users/ekenn064/Downloads/SlidesFM_GrantsConf_10092018.pdf, page 8 of 23.

36. Expert testimony evidence from James Schnurr, former SEC chief accountant, in a speech March 22, 2016, says²²

- Non-GAAP measures are intended to supplement the information in the financial statements and not supplant the information in the financial statements.

- Particularly troubling to Schnurr: The extent and nature of the adjustments to arrive at alternative financial measures of profitability, as compared to net income, and alternative measures of cash generation, as compared to the measures of liquidity or cash generation. SEC tells companies to be careful how they talk about free cash flow – Significant adjustments to profitability outside of customary measures such as EBITDA.²³

37. Non-GAAP Financial Measures (Last Update: April 4, 2018) are updated here:²⁴

One example, Question 100.02

Question: Can a non-GAAP measure be misleading if it is presented inconsistently between periods?

Answer: Yes. For example, a non-GAAP measure that adjusts a particular charge or gain in the current period and for which other, similar charges or gains were not also adjusted in prior periods could violate Rule 100(b) of Regulation G unless the change between periods is disclosed and the reasons for it explained. In addition, depending on the significance of the change, it may be necessary to recast prior measures to conform to the current presentation and place the disclosure in the appropriate context. [May 17, 2016].

38. Equifax and Smith did not disclose that a subsidiary of the Equifax auditor, Ernst

²² <https://www.sec.gov/news/speech/schnurr-remarks-12th-life-sciences-accounting-congress.html>

²³ Earnings before interest, tax, depreciation and amortization (EBITDA) is a measure of a company's operating performance. Essentially, it's a way to evaluate a company's performance without having to factor in financing decisions, accounting decisions or tax environments.

²⁴ <https://www.sec.gov/divisions/corpfin/guidance/nongaapinterp.htm>

& Young (EY), is also the consulting firm that provided services that failed to detect the "control weakness" that led to the massive breach,²⁵ probable evidence vicarious liability for EY.

39. Cybercriminals used the fact that Equifax had not yet patched a vulnerability in software called Apache Struts, a hole in defenses that its IT team was informed of on March 9, 2017. Equifax was told to patch it within 48 hours.

40. That didn't happen, said Richard Smith, the former CEO of Equifax, in testimony before House Energy and Commerce Committee in October 2017. (That failure occurred even though EY CertifyPoint had audited and certified the quality of Equifax's processes to update software, fix bugs and detect criminal hacks).

41. According to Smith's on the record testimony at US Congress, Criminal hackers breached Equifax's systems through the Apache Struts vulnerability on May 13 (2017) and the company did not spot the breach until July 29 (2017).²⁶

42. In other words, Equifax, Inc. and Smith fail in their duty not to injure Kennedy and they did not protect Kennedy's data and hid their bad acts in financial frauds, violations

²⁵

<https://www.marketwatch.com/story/unit-of-equifaxs-auditor-ey-certified-the-information-security-that-was-later-breached-2018-12-20>

²⁶

<https://www.marketwatch.com/story/unit-of-equifaxs-auditor-ey-certified-the-information-security-that-was-later-breached-2018-12-20>

under RICO and SEC Rule 10b-5,²⁷ link and description also here,²⁸ based on evidence from the official public records.

43. Smith says "Equifax Breach Caused by Lone Employee's Error, Former C.E.O. Says,"²⁹ but this statement by Smith is neither technically possible or probable for one hundred forty-five (145) million records.³⁰

44. Kennedy respectfully objects to The Universal Charter of the Judge,³¹ for membership is (probably) corruption and not lawful under military law.

45. Elements of intentional infliction of emotional distress as a tort is as follows:

²⁷ <https://www.sec.gov/answers/about-lawsshtml.html>, The Laws That Govern the Securities Industry

²⁸

the 10b-5 rule covers instances where Equifax CEO Smith issued false statements in order for Equifax executives to artificially drive down the price of a company's stock in order to buy up more shares at a discount. These and other manipulative uses of confidential information can be described as insider trading as well as other types of schemes to influence the market for their gain and favor. In addition to making illicit profits or attracting more investors, these schemes could also be put into motion to change the balance of outstanding shares in order to further efforts to take over the company. The SEC further defined and clarified such issues relating to potential securities fraud. With the ratification of the related rules 10b5-1 and 10b5-2, matters of insider trading were put into newer legal perspectives. Under rule 10b5-1, the SEC deems that an individual is trading based on material nonpublic information if that person knows of said information while engaging in a sale or purchase.

²⁹

<https://www.nytimes.com/2017/10/03/business/equifax-congress-data-breach.html>

³⁰ See also

<https://www.marketwatch.com/story/equifax-wipes-away-breach-charges-to-claim-an-earnings-beat-2017-11-09>

<https://www.marketwatch.com/story/unit-of-equifaxs-auditor-ey-certified-the-information-security-that-was-later-breached-2018-12-20?mod=francine-mckenna>

<https://www.marketwatch.com/story/why-it-was-easy-for-sec-doj-to-spot-equifax-insider-trader-2018-03-14>

<https://www.marketwatch.com/story/equifax-auditors-are-on-the-hook-for-data-security-risk-controls-2017-10-02>

³¹ link here;

<https://www.domstol.dk/om/otherlanguages/english/publications/Publications/The%20universal%20charter%20of%20the%20jugde.pdf>

(1) the defendant must act intentionally or recklessly; (2) the defendant's conduct must be extreme and outrageous, and (3) the conduct must be the cause (4) of severe emotional distress.

Kennedy says all four elements are met.

Demand and Summary

46. In support of his motion, plaintiff notices the court the evidence and Executive Orders cited herein, and the Law of the Case, Exhibit 1, and demands Summary Judgment as follows:

- a. for aggregate \$1,500,000 triple damages for all claims under RICO law.
- b. for intentional infliction of emotional distress, \$500,000.
- c. for loss of privacy rights, \$500,000.

Date: December 31, 2018

Attached: Exhibit 1, Law of the Case (22 pages)

Respectfully submitted,

/s/ Edward T. Kennedy (seal)

Edward T. Kennedy, Plaintiff.
[MBA, 1977, Notre Dame]
401 Tillage Road
Breinigsville, Pennsylvania 18031
Email: pillar.of.peace.2012@gmail.com
Email: kennedy2018@alumni.nd.edu
Telephone: 415-275-1244.
Fax: 570-609-1810.

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2018, I filed the foregoing Plaintiff's Memorandum in Support of Motion for Summary Judgement, Motion for Summary Judgement, Notice, Exhibit 1 Law of the Case, and this Certificate of Service to the Clerk of Court by ECF and served by ECF on the following parties:

Joshua Upin
Royer Cooper Cohen Braunfeld, LLC
Two Logan Square 100 N. 18th St., Suite 710
Philadelphia, PA 19103

Misty L. Peterson
King & Spalding LLP
1180 Peachtree Street NE
Atlanta, GA 30309

Jonathan D. Klein
Clark Hill PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103

and with no Exhibit 1 Law of the Case, Motion or Notice
by US regular mail to the following party: (Investigation requested)

Mark A. Milley, General
Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, DC 20318-9999

Dated this 31st day of December 2018.

/s/ Edward T. Kennedy (seal)

EDWARD T. KENNEDY